

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

v.

THOMAS C. GOLDSTEIN,

Defendant.

Case No. 8:25-cr-00006-LKG-1

Greenbelt, Maryland

March 25, 2025

2:33 p.m.

MOTIONS HEARING

BEFORE THE HONORABLE LYDIA KAY GRIGGSBY  
United States District Judge

A P P E A R A N C E S

ON BEHALF OF THE GOVERNMENT:

UNITED STATES ATTORNEY'S OFFICE

6406 Ivy Lane, Suite 800

Greenbelt, Maryland 20770

BY: PATRICK DAVID KIBBE, ASSISTANT U.S. ATTORNEY

(410) 212-4237

patrick.kibbe@usdoj.gov

(Continued)

PATRICIA KLEPP, RMR  
Federal Official Court Reporter  
6500 Cherrywood Lane, Suite 200  
Greenbelt, Maryland 20770

A P P E A R A N C E S (Cont'd)

ON BEHALF OF THE GOVERNMENT: (Cont'd)

U.S. DEPARTMENT OF JUSTICE, Tax Division  
Northern Criminal Enforcement Section

150 M Street, N.E.  
Washington, D.C. 20002

BY: STANLEY J. OKULA, JR., SENIOR LITIGATION COUNSEL  
Room 2.142  
(202) 514-2839  
stan.j.okula@usdoj.gov

BY: HAYTER WHITMAN, TRIAL ATTORNEY  
(202) 227-0683  
hayter.whitman@usdoj.gov

ON BEHALF OF THE DEFENDANT:

MUNGER, TOLLES & OLSON LLP  
601 Massachusetts Avenue, N.W., Suite 500 E  
Washington, D.C. 20001

BY: JONATHAN I. KRAVIS, ESQUIRE  
(202) 220-1130  
jonathan.kravis@mto.com

BY: STEPHANY REAVES COUPER, ESQUIRE  
(202) 220-1126  
stephany.reaves@mto.com

MUNGER, TOLLES & OLSON LLP  
350 SOUTH GRAND AVENUE, 50th FLOOR  
Los Angeles, California 90071  
(213) 683-9543

BY: ADEEL MOHAMMADI, ESQUIRE  
(213) 683-9543  
adeel.mohammadi@mto.com

ALSO PRESENT:

THOMAS C. GOLDSTEIN  
S.A. ANDREW ACCARDI - IRS-CI  
USPO ADAM SMITH

P R O C E E D I N G S

(Call to order of the Court.)

THE COURTROOM DEPUTY: All rise.

The United States District Court for the District of Maryland is now in session, the Honorable Lydia Kay Griggsby presiding.

THE COURT: Good afternoon, everyone. If you could please be seated for just a moment, I'll go over the Court's masking policy for the benefit of those who may have not appeared before me before.

For Counsel and Mr. Goldstein, if you're fully vaccinated and comfortable doing so, you're welcome to lower your mask during today's hearing. The Court meets that criteria, so I'm going to lower my mask so you can hear me a little bit more clearly.

With that, I'm going to invite the United States of America to please call the case, and then we will proceed.

MR. KIBBE: Calling the case United States v. Thomas Goldstein, Criminal Action No. LKG-25-6.

Good afternoon, Your Honor, Assistant United States Attorney Patrick Kibbe on behalf of the government. I'm joined by my colleagues from the DOJ Tax Division, Senior Litigation Counsel Stanley Okula and Hayter Whitman, Trial Attorney. Also at counsel table is IRS-CI Special Agent Andrew Accardi.

We're here for the purpose of a hearing on a couple

1 different matters, Your Honor, as the Court knows, including an  
2 appeal of conditions of release, a motion to call up grand jury  
3 testimony, a status hearing, so to speak, on the schedule in  
4 this case.

5 THE COURT: Thank you so much. Welcome, AUSA Kibbe,  
6 and to your cocounsel, and the special agent.

7 Counsel for the defendant and Mr. Goldstein.  
8 Good afternoon.

9 MR. KRAVIS: Good afternoon, Your Honor. My name is  
10 Jonathan Kravis, and it is my honor to represent the defendant,  
11 Thomas Goldstein. I am joined at counsel table today by  
12 Stephany Reaves and Adeel Mohammadi from Munger, Tolles & Olson.

13 And for the record, Mr. Goldstein is present today,  
14 and he is seated to my right.

15 THE COURT: Good afternoon, Counsel and Mr. Goldstein.  
16 Welcome to you.

17 I also have someone joining us from Pretrial.

18 Would you introduce yourself, please, for the record.

19 THE PROBATION OFFICER: Yes, Your Honor. Good  
20 afternoon.

21 Adam Smith on behalf of Pretrial Services.

22 THE COURT: Good afternoon, Mr. Smith. Thank you for  
23 being here, and I may consult you as we proceed with today's  
24 hearing.

25 Well, as AUSA Kibbe mentioned, we have a couple of

1 items on our agenda today. Two are two pending motions from the  
2 defendant related to one of the conditions imposed by the Court  
3 of his release pending trial. We also have a broader issue of  
4 scheduling in this case that I would like to talk with the  
5 parties about at least to get us through a plan for pretrial  
6 motions so we can address those things expeditiously but also in  
7 an orderly manner and allow everyone sufficient time to brief  
8 the Court on those issues.

9 I'm going to take just a moment to walk through some  
10 of the background that brings us here. As I believe I mentioned  
11 last time when we were together, a lot has happened in this case  
12 already, and so I'm going to just walk through some of the most  
13 recent procedural history to make sure the Court understands it  
14 and also just to lay a record as to what we'll be discussing  
15 today.

16 Back on January 16th of 2025, the federal grand jury  
17 sitting in the District of Maryland returned a 22-count  
18 indictment charging the defendant, Thomas C. Goldstein, with  
19 several counts of tax evasion in violation of Title 26,  
20 United States Code, Section 7201; several counts of aiding and  
21 assisting the preparation of false and fraudulent tax returns in  
22 violation of Title 26, U.S. Code, Section 7206; several counts  
23 of willful failure to pay taxes in violation of Title 26,  
24 U.S. Code, Section 7203; and several counts of false statements  
25 on a loan application in violation of Title 18, United States

1 Code, Section 1014.

2 On January 27th of 2025, Mr. Goldstein had his initial  
3 appearance and arraignment before the Court. At that time, he  
4 pled not guilty to all charges brought in the case. The Court  
5 also ordered him released subject to certain conditions of his  
6 release.

7 Thereafter on February 9th of this year, the  
8 government filed an ex parte motion to revoke Mr. Goldstein's  
9 release. There was a hearing and briefing related to that, and  
10 Mr. Goldstein was ordered detained by the Court on February 10th  
11 of 2025.

12 Shortly thereafter, on February 11th of 2025, the  
13 Defendant filed an emergency motion seeking to revoke the  
14 Court's detention order. There was subsequent briefing on that  
15 motion, and a hearing was held on February 13th of 2025. And at  
16 that time, the Court did revoke its detention order and ordered  
17 Mr. Goldstein released subject to certain conditions.

18 Relevant to today's proceeding, one condition required  
19 that Mr. Goldstein participate in a computer and internet  
20 monitoring program which allows the installation of monitoring  
21 software and hardware at Mr. Goldstein's expense and permits  
22 random, unannounced examination of computer systems,  
23 internet-capable devices, and similar electronic devices under  
24 the defendant's control, which I'll refer to broadly as a  
25 monitoring condition.

1 On February 27th of this year, Mr. Goldstein filed an  
2 appeal, challenging that particular condition. The government  
3 responded to that appeal on March 6th. On March 11th of 2025,  
4 Mr. Goldstein filed a reply brief, and the Defendant also filed  
5 an emergency motion to compel the production of certain grand  
6 jury testimony pursuant to Rule 6(e). The government has also  
7 responded in opposition to that motion, including filing a  
8 sur-reply on March 21st of 2025.

9 Related to that motion is the issue of certain  
10 grand jury testimony which the Defendant is requesting to  
11 review. The Court did grant a motion from the government to  
12 provide that information in camera to Chambers, and that was  
13 provided to the Court yesterday, on March 24th, 2025. And I  
14 have reviewed that testimony in preparation for today's hearing.

15 I believe that generally summarizes where we're at.  
16 I'll let Counsel -- if they want to address any corrections in a  
17 moment, I'll give you a chance to do that.

18 And so, again, the primary issue before the Court  
19 today is the monitoring condition and whether or not the Court  
20 is going to sustain that condition or revoke that condition in  
21 connection with Mr. Goldstein's pretrial release. I highlight  
22 that because we are not entertaining any discussion of detention  
23 today, and I think -- some of the things I'm going to say in a  
24 moment, I think that point is very important.

25 Because the issue is pretty, I think, narrow in terms

1 of the Court's review of the monitoring condition, I have a few  
2 preliminary thoughts after reading very carefully the parties'  
3 papers. We've been together before. This is, of course, a  
4 de novo review, but I am familiar with much that has gone on in  
5 this case.

6 And I'll say a couple things. There are two  
7 allegations that the government I believe has raised. I think  
8 they were raised initially in connection with an effort to have  
9 Mr. Goldstein detained related to alleged use of certain wallets  
10 that were not disclosed by Mr. Goldstein, allegedly, to Pretrial  
11 and also allegations related to witness tampering, and I know  
12 Mr. Goldstein has very strong views about those allegations and  
13 disputes them.

14 I'm going to say quite candidly, Counsel, I've looked  
15 at the record; neither of those issues are going to be material  
16 to the Court's consideration of the question before it today,  
17 which is whether or not I'm going to continue to impose the  
18 monitoring condition, and we're going to hear argument about  
19 that in a moment.

20 If you want to talk about these other issues, I'm not  
21 going to cut you off, but frankly, Mr. Goldstein and your  
22 counsel, for purposes of this hearing, it's not going to be  
23 material to my consideration. And I'm willing to accept your  
24 version of the facts for the purposes of this hearing; it's just  
25 not going to inform my decision.



1 I'm not suggesting that there aren't issues to talk  
2 about going forward with regards to those matters, but there's a  
3 very narrow issue before the Court on that issue. We may have  
4 some other issues later on where issues about those matters may  
5 be important for the Court to consider, and I will give all  
6 parties full opportunity to be heard, but I really don't think  
7 they really have any bearing on the monitoring condition. And I  
8 would like to at least resolve that issue today if we could, and  
9 we'll figure out how we go forward.

10 I just say that as an opening observation. I'm not  
11 going to cut people off, but I do think these other issues,  
12 while very important, a more fulsome record might be helpful.  
13 And I just don't think that we should be in a position of  
14 forcing people to defend or even prove those issues right now.  
15 That's just my view.

16 I am bound by the Bail Reform Act, and there are  
17 several factors, as you know, in that statute that the Court  
18 considers in assessing whether or not to impose conditions of  
19 release and what those conditions should be. And so I will be  
20 focusing on those factors today and invite Counsel to talk about  
21 those factors in presenting their arguments for or against the  
22 particular condition.

23 I'm also pleased that Pretrial is here, and I may have  
24 some questions just to better understand the monitoring  
25 condition, and perhaps Counsel may have as well.

1 And so I will give you a chance, of course, to address  
2 the Court and just walk through the technology, and how it's  
3 being used, and of course, any recommendations you have about  
4 whether it is appropriate in this case.

5 So with that, I believe the first motion is the motion  
6 appealing the monitoring condition.

7 Mr. Kravis, I think it's appropriate for you to go  
8 first, since you are appealing that, and so you're welcome to  
9 join the podium. And once you conclude, I'll invite the  
10 government to come forward.

11 You may begin whenever you're ready.

12 MR. KRAVIS: Thank you, Your Honor.

13 As the Court noted, one of the motions that brings us  
14 here today is the defense appeal of the Magistrate Judge's  
15 imposition of the monitoring condition.

16 I appreciate the Court's comments a moment ago that it  
17 will not consider the allegation that the government has raised  
18 several times now that Mr. Goldstein used cryptocurrency to  
19 attempt to obstruct the investigation or tamper with a witness.  
20 Obviously, if the Court has any questions about that issue, I'm  
21 more than happy to address them.

22 I do want to note that in the defense reply on the  
23 emergency motion to compel production of the grand jury  
24 transcript, we did note that we believe that a sanction is  
25 warranted here, based on what I think are just inaccurate

1 representations by the government about the content of that  
2 grand jury testimony. And I would like the opportunity to  
3 address that briefly, but because the Court --

4 THE COURT: Before you do that, let me just say, I  
5 understand that; we will entertain that at the appropriate time.  
6 I don't think it's appropriate in the context of this monitoring  
7 condition, but I'll give you time to do that.

8 I would like to really just hear you on this --

9 MR. KRAVIS: Yes, yes.

10 THE COURT: -- so we can try to resolve that and  
11 understand what Mr. Goldstein's concerns are.

12 MR. KRAVIS: Yes, Your Honor, and I did intend to  
13 address the monitoring condition first.

14 The Magistrate Judge, as the Court noted in its  
15 recitation of the history of this case, imposed the monitoring  
16 condition sua sponte after granting the defense's motion to  
17 release Mr. Goldstein. That happened on February the 13th.

18 I think that history is important, because it's  
19 important to note that the government at no point in this case  
20 ever suggested that the monitoring condition or anything akin to  
21 the monitoring condition was appropriate. They didn't suggest  
22 that at the defendant's initial appearance, and they didn't  
23 suggest that during or at the conclusion of the argument on the  
24 defendant's release motion.

25 And so while the government now says that the

1 monitoring condition is the least restrictive condition or set  
2 of conditions necessary to reasonably assure Mr. Goldstein's  
3 appearance, which is, after all, the proper standard under the  
4 Bail Reform Act, that was never an argument that the government  
5 made to the Court at any time before the Magistrate Judge,  
6 sua sponte, imposed the monitoring condition.

7 THE COURT: Well, the Court's decision to impose the  
8 condition is not -- it's not required that someone propose it.

9 MR. KRAVIS: If --

10 THE COURT: I understand your point, but you're not  
11 saying the Magistrate Judge was required to only consider what  
12 the government recommended.

13 MR. KRAVIS: No, I am not saying that the  
14 Magistrate Judge lacked the authority to sua sponte impose the  
15 condition or that it was somehow improper for the Court to do  
16 so, although obviously, we disagree with that decision; I'm just  
17 making the observation that before these proceedings, the  
18 government never suggested that the monitoring condition or  
19 anything like it was reasonably necessary here. The  
20 Magistrate Judge's decision to impose the monitoring condition,  
21 sua sponte, was really, in our view, based on two things.

22 One was the Magistrate Judge's conclusion that it was  
23 more likely than not that Mr. Goldstein owned two cryptocurrency  
24 wallets that the government had brought to the  
25 Magistrate Judge's attention in its ex parte detention motion.

1 The parties in these proceedings have referred to those as the  
2 935B and the 54E3 wallets. I think the evidence pretty clearly  
3 shows that Mr. Goldstein does not own those wallets.

4 THE COURT: Well, as I said earlier, I'm not going to  
5 entertain that issue for purposes of this condition, so can you  
6 talk to me about why -- we'll just say we're not going deal with  
7 Mr. Goldstein allegedly owning those wallets; I'm not going to  
8 consider that.

9 So let's just talk about the case and the factors, and  
10 so my que- -- you know, the reason for these conditions is to  
11 make sure your client shows up --

12 MR. KRAVIS: Right.

13 THE COURT: -- and continues to do so. He has been  
14 here all along thus far, I will note, and I will seek to  
15 mitigate any danger that the Court determines he may pose to an  
16 individual or to the community at large.

17 In our last hearing together, the Court shared  
18 concerns about substantial risk of flight, and I still have  
19 those concerns. I think that is a legitimate concern in this  
20 case and one of the things that the Court considers in imposing  
21 pretrial release conditions.

22 The concerns the Court raised previously, which I  
23 think are also relevant here, are things I think are undisputed:  
24 Your client's extensive history of foreign travel; your client's  
25 involvement with online poker activities, nationally and

1 internationally as the Court understands it; your client's  
2 relationships with individuals that are overseas and individuals  
3 that, as the Court understands it, have needs that might  
4 potentially provide some type of resource for your client; your  
5 client's engagement in crypto transactions.

6 I'm not talking about particular wallets, but the  
7 general fact that your client has engaged in cryptocurrency  
8 transactions I think is undisputed, and of significant amounts,  
9 from his poker winnings; I think that was something that has  
10 been acknowledged in this case.

11 So those are the facts that at least I am thinking  
12 through and looking at what are the appropriate conditions to  
13 impose to ensure Mr. Goldstein's reasonable appearance as we go  
14 forward.

15 I think there's also a fair concern in light of the  
16 allegations in the indictment about danger posed by conduct that  
17 might involve trying to conceal cryptocurrency or trying to  
18 conceal resources from the government in connection with taxes,  
19 so there's a little bit of that. But the main issue I think is  
20 really the extensive connections your client has and just the  
21 history of your client as a sophisticated individual who has  
22 traveled extensively. So the Court is looking at what is the  
23 proper package --

24 MR. KRAVIS: Right.

25 THE COURT: -- to mitigate that.

1           So why isn't the monitoring condition part of that  
2 package?

3           MR. KRAVIS: It -- well, I think I -- I just want to  
4 pick up where Your Honor finished, part of the package.

5           Mr. Goldstein is subject to a host of other release  
6 conditions, and I think all of those conditions more than  
7 adequately address -- I'll say adequately address the concerns  
8 that the Court has raised. For example, Mr. Goldstein's travel  
9 is restricted to the DMV area without the prior permission of  
10 Pretrial Services. He surrendered his passport. He's not  
11 allowed to open any additional bank accounts or other accounts.  
12 He's not allowed to engage in any transfers of money without the  
13 approval of Pretrial Services.

14           The Magistrate Judge, at the time he imposed the  
15 monitoring condition, also, sua sponte, imposed other conditions  
16 on Mr. Goldstein that we're not challenging here, that  
17 Mr. Goldstein not engage in any cryptocurrency transactions,  
18 that he disclose all of his financial accounts and assets to  
19 Pretrial Services, which he has done. Mr. Goldstein, as a  
20 condition his release, is prohibited from gambling. There is  
21 also the security bond that was placed on the Hawthorne Street  
22 property, which we will, at a future date, I am confident, be  
23 discussing again.

24           All of those conditions -- and we're not challenging  
25 any of those conditions here today. All of those conditions go

1 to the concerns that the Court was addressing a moment ago, and  
2 all of those conditions, with the exception of the few that the  
3 Magistrate Judge recently imposed, those were all imposed at  
4 Mr. Goldstein's initial appearance. In addition, there's an  
5 extensive no-contact list. There's numerous witnesses that  
6 Mr. Goldstein is not allowed to -- is not allowed to be in touch  
7 with. This is an extensive network of release conditions.

8 The reason that I mention the two wallets, the  
9 935B wallet and the 54E3 wallet -- and I hear the Court saying  
10 that it won't factor ownership of those wallets into its  
11 consideration today, but the government's allegation that  
12 Mr. Goldstein owned those wallets was the only thing that  
13 changed since the time of the initial appearance when all of  
14 these conditions were imposed, everything that the government  
15 asked for. At that time, the government never asked for  
16 monitoring of Mr. Goldstein's electronics devices.

17 Nothing has changed in between the initial appearance  
18 and today, save for the allegation -- I believe the now  
19 discredited allegation regarding these two specific wallets.

20 I will add that the -- with respect to the issue of  
21 cryptocurrency transactions specifically, the Magistrate Judge  
22 did impose a specific condition that relates directly to a  
23 prohibition on Mr. Goldstein's use of cryptocurrency. We're not  
24 challenging -- we are not challenging that here today, and if  
25 the Court were inclined to conclude that on top of all of those



1 other release conditions that I've just been talking about, that  
2 some additional condition were appropriate, we believe that the  
3 monitoring should be limited to cryptocurrency apps and websites  
4 that involve the use of cryptocurrency.

5 Again, we don't think that that is necessary in light  
6 of all of the other release conditions that Mr. Goldstein is  
7 subject to, we believe those adequately address the concerns  
8 that the Court has identified, but if the Court is inclined to  
9 go a step further, we think that more limited monitoring is  
10 appropriate here and removes the concerns about disclosure of  
11 privileged or confidential communications, particularly those  
12 that relate to Mr. Goldstein's communications with me and his  
13 other lawyers about the specific allegations in this case,  
14 because there are allegations that relate directly to  
15 cryptocurrency, and those will be the subject of written  
16 communications, privileged communications, between Mr. Goldstein  
17 and his counsel.

18 THE COURT: And let me just follow that for -- a  
19 little bit further. I'm taking a look, again, at the conditions  
20 imposed in this case, and -- you mentioned a couple of the other  
21 ones, again, the not opening a new bank account, but I want to  
22 focus on two: Do not engage in any type of gambling, including  
23 poker of any type and by any means in person or online; and  
24 also, comply with professional -- I'm sorry, there's another one  
25 that deals with not engaging in cryptocurrency transactions.

1 MR. KRAVIS: Right.

2 THE COURT: And what I want to talk about is, you  
3 know, at least as I read the conditions, the monitoring kind of  
4 goes with the others; I mean, the way for the Court to ensure  
5 that your client is not doing online poker gambling or engaging  
6 in crypto transactions would come from the monitoring, which  
7 again, is focusing really on that, not on these other things.  
8 And so your second -- I know it's a fallback position, not your  
9 original position, but your fallback position somewhat gets at  
10 that concern.

11 I think -- they go together, and so in order to  
12 enforce the conditions that the defense itself is not  
13 challenging, the question of the Court is how to make sure those  
14 things happen, and so the monitoring is one way to ensure that.

15 What are your thoughts?

16 MR. KRAVIS: Right, I hear the -- I hear that;  
17 however, I would -- I think I would respectfully disagree with  
18 the Court's suggestion that it is necessary as a condition of  
19 release to impose a means of monitoring compliance with release  
20 conditions.

21 I think -- in my experience, it is common practice for  
22 courts to impose release conditions that are not specifically  
23 being, like, monitored by Pretrial Services, conditions related  
24 to, you know, opening of financial accounts, or transfers of  
25 money, or prohibitions on other activity.

1 Just to give an example, in this case, at the time of  
2 Mr. Goldstein's initial appearance, the Court noted, the  
3 Magistrate Judge imposed the prohibition on gambling by  
4 Mr. Goldstein, including online gambling.

5 Of course, at the time, and even as we sit here today,  
6 that release condition was not accompanied by any, like, further  
7 release condition to allow Pretrial Services to monitor  
8 compliance. I think it is -- often, it is a common practice to  
9 impose release conditions that are not specifically being  
10 monitored through electronic devices by Pretrial Services. And  
11 I don't think there has been any change in the factual record  
12 since the time of Mr. Goldstein's initial appearance that  
13 warrants the imposition of an additional release condition for  
14 Pretrial Services to verify compliance with these things.

15 I think, as a general matter, imposing the  
16 condition -- the release condition is sufficient, and then,  
17 of course, if Pretrial has evidence that Mr. Goldstein is not  
18 complying with the condition, then there may arise questions  
19 about whether there is some more restrictive condition or some  
20 form of monitoring that is appropriate.

21 But I think it is fairly common for the Court to  
22 impose release conditions without also imposing a further  
23 condition that involves monitoring to ensure compliance.

24 I'm not sure if that answers the Court's question.

25 THE COURT: It does; it's helpful from your

1 perspective. Thank you.

2 MR. KRAVIS: The final point I wanted to make on the  
3 monitoring condition -- and then, of course, I'm happy to  
4 address any further questions that the Court might have or any  
5 of the other topics that the -- that are on the agenda for  
6 today.

7 The final point I want to make about the monitoring  
8 condition is that while the government in its filings  
9 characterizes the monitoring condition as a routine condition of  
10 release, I think the fact of the matter is that particularly  
11 under the facts and circumstances of this case, it is a fairly  
12 drastic -- it is a fairly drastic condition of release.

13 It is not detention, obviously, to be sure, and I  
14 appreciate the Court saying that was not on the -- on the table  
15 for today, but the other cases cited by the government in its  
16 filing all involve cases where the defendants are alleged to  
17 have used cryptocurrency to further the underlying criminal  
18 conduct, a fraud scheme, for example, or an international  
19 money laundering -- an international money laundering ring,  
20 something like that. That is not the allegation in this case.

21 The specific allegation in the indictment that relates  
22 to cryptocurrency is Mr. Goldstein's failure to check a box on a  
23 form a few years ago on his tax returns that said he held  
24 cryptocurrency accounts. We will have more to say on the merits  
25 of that allegation as we get closer to the trial, to be sure.

1 The point I wanted to make here is that even if you just look at  
2 the allegations in the indictment, the allegations regarding the  
3 use of cryptocurrency are far, far more limited, and tangential,  
4 and attenuated than the cases that the government cites. And in  
5 light of that attenuation, the condition of monitoring  
6 Mr. Goldstein's electronic devices is a fairly drastic -- is a  
7 fairly drastic remedy.

8 Mr. Goldstein and I have discussed with Pretrial  
9 Services how this would work, and we have been advised that this  
10 will involve the disclosure of privileged communications between  
11 Mr. Goldstein and his counsel.

12 THE COURT: Well, is Mr. Goldstein currently under the  
13 monitoring; is it going on right now?

14 MR. KRAVIS: It is, Your Honor, yes.

15 THE COURT: And so you've had a chance to experience  
16 what that's like?

17 MR. KRAVIS: Mr. Goldstein has.

18 THE COURT: All right.

19 MR. KRAVIS: I don't see it on my end, but we have --  
20 Mr. Goldstein and I have had conversations with Pretrial  
21 Services to understand how this is going to work, and my  
22 understanding is that privileged communications that use the  
23 word "cryptocurrency," like all of the filings that bring us  
24 here today and any future communications between counsel and  
25 Mr. Goldstein about the allegations in the indictment concerning

1 cryptocurrency, would be subject to monitoring by  
2 Pretrial Services.

3 THE COURT: Well -- and I just want to push back a  
4 bit, because that assumes that counsel, aware of the monitoring,  
5 and Mr. Goldstein, aware of the monitoring, elects to  
6 communicate in that way. I just wanted -- because it's not that  
7 the purpose of the monitoring is to monitor communication with  
8 counsel. I don't think there's a right -- a constitutional  
9 concern or even a legal concern necessarily with the monitoring  
10 because Mr. Goldstein has chosen to communicate with his  
11 attorney that way.

12 So I hear you saying that it's going to pick up the  
13 word, but I don't think that necessarily is a reason to say the  
14 monitoring condition is not appropriate, but let me hear your  
15 view.

16 MR. KRAVIS: Well, Your Honor, I don't mean to suggest  
17 that that's the intent or purpose of the condition; it's --  
18 certainly, it's an incidental -- it's an unintended consequence  
19 or effect, but I think I would respectfully disagree with the  
20 Court's characterization that, you know, Mr. Goldstein is just  
21 choosing to communicate with his counsel in this way and  
22 therefore kind of assumes the risk of the disclosure of  
23 privileged communications because he knows he's under the  
24 monitoring condition.

25 I think it is just a sort of fact of the practice of

1 law in this day and age that we exchange electronic drafts back  
2 and forth. This is how lawyers communicate with their clients  
3 and how they share drafts with their clients and so on, and it  
4 is a fairly drastic consequence, unintended to be sure but  
5 nevertheless a consequence of the monitoring condition that  
6 those privileged communications would be disclosed.

7 Now, I'm not saying that the monitoring condition is  
8 per se unconstitutional. That's not the point I'm making here;  
9 the point I'm making here is that those unintended effects do  
10 have to be factored into the calculation.

11 The Bail Reform Act does speak to the least  
12 restrictive conditions of release that will reasonably assure  
13 the defendant's appearance, and when we're talking about what is  
14 more and less restrictive, this is the kind of thing we're  
15 talking about, is how burdensome the imposition is on the  
16 defendant.

17 And I would submit here that given the stark  
18 attenuation between the cryptocurrency and the actual  
19 allegations of criminal conduct in the indictment --  
20 distinguishing it from the cases the Government cites -- in  
21 light of the fact that the Government's effort to establish  
22 something about these other wallets just hasn't panned out --  
23 we're act- -- we're not talking about it today -- and in light  
24 of the fact that there are all of these other release  
25 conditions -- and that was -- the Court determined that that was

1 sufficient -- the Magistrate Judge determined, that was  
2 sufficient at the time of Mr. Goldstein's initial appearance,  
3 and that -- we submit that that decision was correct.

4 In light of all of those things, it just cannot be  
5 said that the monitoring condition is the least restrictive  
6 condition that will reasonably assure Mr. Goldstein's appearance  
7 under the Bail Reform Act.

8 THE COURT: Thank you very much, Mr. Kravis; that was  
9 a helpful conversation.

10 I'm going to invite AUSA Kibbe to share the  
11 government's point of view, and I'm also going to invite  
12 Pretrial, after that, just to walk through what's actually  
13 happening and make sure we're all on the same page about how the  
14 conditions are currently working.

15 MR. KRAVIS: Thank you, Your Honor.

16 THE COURT: Thank you very much.

17 AUSA Kibbe.

18 MR. KIBBE: Thank you, Your Honor.

19 What I'd like to do, Your Honor, is start with that  
20 point about how the actual monitoring condition works, and this  
21 is my understanding from speaking with Pretrial Services in this  
22 case and others.

23 If the Court would prefer just to go straight to  
24 Officer Smith, that's okay with me too, but I think it's  
25 important for the context and the standard under the Bail Reform



1 Act of the least restrictive conditions, and I'd like to address  
2 the factors under the Bail Reform Act with -- regarding the  
3 monitoring condition in this case and the government's position.

4 In Defendant's reply to the emergency motion to  
5 compel, Defendant said that this appeal was largely moot,  
6 because, they said, the Government was just focused on  
7 cryptocurrency websites and apps. That's not quite right,  
8 Your Honor, because that's not how the monitoring condition  
9 works, but it's also not far off.

10 And so I think it's important to look at what's  
11 actually the sliver of disagreement here on the monitoring  
12 condition. So the monitoring condition, as I understand it, is  
13 not Pretrial Services looking at every email, every message, to  
14 see if there's anything going on, every web search, every --  
15 it's not that at all; there's a software that has keyword hits.  
16 And it's not even all things that the software's looking for.  
17 Because this is a financial crime, there's a financial profile  
18 that this software is using, so it's only looking at things that  
19 would flag under that financial crimes profile, which  
20 undisputedly, is what this case is about.

21 So there's the financial crimes profile and the  
22 monitoring condition, and it will flag certain key words that  
23 are used, cryptocurrency, Bitcoin. I don't have an exhaustive  
24 list here, but those are the types of things that it would flag,  
25 and it flags them either as, you know, a red flag, or a high

1 flag, or a medium flag, as I understand it.

2 Then Pretrial Services does a periodic review of those  
3 flags, so they're only looking at the things that hit on the  
4 financial -- on the financial key words that are part of the  
5 program, and then that's -- that's Officer Smith doing that,  
6 it's not the government doing that, and he can see, oh, that's  
7 an email with counsel, move on, that's an email with counsel,  
8 move on, and it's the Court -- it's Pretrial Services that is  
9 doing go that review, not the government.

10 So what we're actually talking about here in terms of  
11 monitoring condition is limited to that financial piece, is  
12 limited to that cryptocurrency piece, and Pretrial Services is  
13 not reviewing, you know, the full content of any privileged  
14 communications. Instead, it's just checking to make sure that  
15 when those hits are flagged on the software, that there's  
16 nothing else more serious going on.

17 And with respect to limiting just to websites and  
18 apps, well, that's not sufficient, because we see from the  
19 undisputed record in this case that cryptocurrency transactions  
20 can also be done through messaging. In fact, that's the bulk of  
21 the disputed messages, you know, between -- that the parties are  
22 talking about, where Mr. Goldstein, undisputedly, is in contact  
23 with others about the transfer of cryptocurrency, and just  
24 because of the electronic nature of cryptocurrency, that's one  
25 way that it can be done. So it's not sufficient just to say

1 websites or apps, that -- you know, a fuller -- a broader  
2 picture is needed, but it's still limited to that financial  
3 piece.

4 So why is that, what I've just described, which is  
5 what I understand the conditions are, one of the least  
6 restrictive conditions of release? And it goes to what  
7 Your Honor was asking about earlier, that that condition is  
8 appropriate to ensure compliance with the other conditions.

9 So there are the other restrictions on travel,  
10 restrictions on transfers of cryptocurrency, restrictions on  
11 opening financial accounts. This monitoring condition, in the  
12 way that I have described it, ensures compliance with those  
13 things. And why is that appropriate? Under the Bail Reform Act  
14 factors. And as the Court knows, those are the factors that the  
15 Court needs to decide to determine whether the condition is  
16 appropriate or not.

17 And the first is the nature and circumstances of the  
18 offense. As the Court has noted, this -- the nature and  
19 circumstances of the offense are serious in this case,  
20 twenty-two counts of tax crimes and false statements to mortgage  
21 lenders. There's allegations of significant international  
22 travel and contacts. Mr. Goldstein is specifically charged with  
23 not disclosing cryptocurrency on -- transactions on his tax  
24 forms, and to be clear, this was not just checking a box; this  
25 was writing in "No" to the answer of whether there had been any

1 transactions, when in fact, there had been dozens and dozens, up  
2 to approximately \$10 million in value over the tax years 2020,  
3 2021.

4 And so that amount of money, that amount of  
5 cryptocurrency is part of the fabric of this case, and it's also  
6 what distinguishes it from many other cases in this district,  
7 where it's much lower amounts of money, it's much less amounts  
8 of international contacts and travel, such that the monitoring  
9 conditions are appropriate to ensure compliance with the other  
10 conditions.

11 Staying on the nature and circumstances of the  
12 offense, part of the core allegations here is that Mr. Goldstein  
13 concealed his income from the IRS, and he -- part of the  
14 allegations are also that he owes significant amounts of private  
15 money to other individuals.

16 So when you look at those things, compliance with the  
17 monitoring conditions is important to ensure that there --  
18 there's transparency here about the conditions of release as it  
19 relates to Mr. Goldstein's finances, and this goes -- I'm  
20 skipping ahead, then, to the fourth condition -- or the fourth  
21 factor, which is the danger to any individual or community, and  
22 that's the economic danger here, that -- the government has  
23 alleged and the grand jury has found that Mr. Goldstein owes  
24 millions of dollars to the government.

25 And so if -- if there was an ability to transfer

1 cryptocurrency, as has been done through the -- you know, the  
2 history and circumstances of this case, that could -- that could  
3 severely damage and impact the community, because that's the  
4 core allegations of the harm here, and not only the government,  
5 through taxes to fund all the public programs that the  
6 government does, but individuals, private individuals, who are  
7 owed millions of dollars in this case.

8 The other Bail Reform Act factors, as the Court knows,  
9 are the weight of the evidence, the history and characteristics  
10 of the individual.

11 The weight of the evidence, the parties have disputed  
12 certain facts and disputed the inferences to have been made from  
13 those facts. Even setting aside those disagreements, which the  
14 Court said that you -- that you don't want to get into today,  
15 Your Honor, and we respect that -- the weight of the evidence in  
16 the indictment is strong.

17 It's supported by years-long investigation, dozens and  
18 dozens of witnesses, we've produced over 100,000 documents in  
19 discovery, and the weight of the evidence in this case is strong  
20 to support the charges in the indictment. And the weight of the  
21 evidence is also strong even if you're just taking a look at  
22 this narrow, undisputed question of have there been millions of  
23 dollars of cryptocurrency transactions that are not disputed,  
24 and the answer is yes.

25 And so when you're thinking about the monitoring

1 condition, the weight of the evidence is absolutely unrefuted on  
2 that -- on that latter point, and that's important when  
3 fashioning the conditions of release here.

4 For history and characteristics, as the Court  
5 previously found, "the defendant's personal history and  
6 characteristics also include that he has also indicated that  
7 he's a significant risk of flight." That has not changed since  
8 the Court's last order, and the government submits that remains  
9 to be the case.

10 And so I'll pause there, having gone through the  
11 Bail Reform Act factors, and see if the Court has any questions  
12 for me.

13 THE COURT: Well, I guess, my only question -- and  
14 I've listened carefully and also read the papers -- how -- just  
15 in a sentence or two, again, how does the particular  
16 condition -- the monitoring condition, from the government's  
17 point of view, mitigate the twin concerns -- you've said it, but  
18 I want to just kind of get you to say it succinctly -- the twin  
19 concerns of reasonable assurance, of appearance, and mitigating  
20 any danger in this case -- I think it's an economic danger, this  
21 is not a violent crime situation, so an economic danger to the  
22 public or particular individuals?

23 MR. KIBBE: Thank you, Your Honor.

24 So on the first, on risk of flight, how would an  
25 individual flee from this district, in any case? It's if they

1 have contacts, out of state or internationally, and it's if they  
2 have the means to evade detection and to flee, and in this case,  
3 there are significant, significant -- perhaps more than any  
4 other that I am aware of in -- currently in this district, on  
5 both those factors.

6 As included in the indictment and as proper before the  
7 Court, this case involves significant international travel,  
8 significant international gambling, significant international  
9 contacts, and on the amounts of money and the use of, as,  
10 I think, also undisputed, concierge luxury services, private  
11 jets, things of that nature, things that would help somebody  
12 evade appearance in this district are all present in this case.

13 So the monitoring condition ensures that there's not  
14 going to be outflows of cryptocurrency or other unauthorized  
15 financial transactions that could assist with the risk of  
16 flight, given, though -- given the amounts of money and given  
17 the significant international ties and contacts in this case.

18 On danger to community, the government alleges that  
19 Defendant owes millions of dollars to the government and  
20 millions of dollars to private individuals. It's undisputed in  
21 this case that Mr. Goldstein has transferred large amounts of  
22 money in financial transactions, including cryptocurrency  
23 transactions, and has done so through messaging. And so the  
24 monitoring condition ensures that other assets are not  
25 dissipated, which would harm the community, which would harm

1 particular individuals who are owed money during the pendency of  
2 this case.

3 THE COURT: Thank you very much, AUSA Kibbe.

4 I do want to give Pretrial a chance to just walk the  
5 Court through the monitoring system and how it works, and then,  
6 of course, to address anything you want to address in terms of  
7 the appropriateness of the condition.

8 THE PROBATION OFFICER: Thank you, Your Honor.

9 So to start off with how the monitoring works,  
10 Mr. Kibbe kind of explained it correctly. The Defendant is  
11 subject to a financial profile through the monitoring software.  
12 The software is implemented on his cell phone and on his  
13 desktop, and as the AUSA had noted, if anything that the  
14 defendant is partaking in on his iPhone or his desktop, such as,  
15 like, any website that he would reference, any keystrokes that  
16 he would put in, any text messaging, certain words within a  
17 text message, anything that is flagged that coincides with that  
18 financial profile from his activities on his desktop or his  
19 iPhone would send a flag, and the flags are either a medium or a  
20 high.

21 When then I go in to review any flags within the  
22 system, I can go and specifically look at what was flagged, and  
23 I think that's kind of where it comes into the concern about  
24 there is a possibility, although I have not to date seen any  
25 correspondence between him and his attorney; in other cases, I



1 have.

2 The best example I can give to the Court now by way of  
3 illustration, if the Court's interested, is a sex offender case.  
4 If there's correspondence going on between an attorney and a  
5 client and the word "porn" may show up in a correspondence  
6 between the attorney and the client, that's something that would  
7 flag in a profile for a sex offender.

8 THE COURT: And so when you say, you see it, so the  
9 flag comes in, and then what do you -- you go back and, what,  
10 pull up the document; what are you looking at?

11 THE PROBATION OFFICER: What I can do, I would take a  
12 screenshot, and then I can pull up that screenshot and say, oh,  
13 okay, that is an email that's between -- and you can see who the  
14 email's between, and then I just move on.

15 THE COURT: So you're looking to see what the nature  
16 of the -- what prompted the flag; was it an email, was it a, you  
17 know, download of a video?

18 THE PROBATION OFFICER: Correct, that's correct,  
19 Your Honor.

20 THE COURT: All right.

21 THE PROBATION OFFICER: Looking to see if he's  
22 accessing websites, what the conversations may be that he's  
23 having, and if it's a text message, if it's an email. It  
24 basically gives some context to the word that was flagged.

25 THE COURT: And are you the only person -- if you're

1 the agent on this matter, are you the only person that does that  
2 review, or is it shared with someone else?

3 PROSPECTIVE JUROR: My supervisor would be the only  
4 other individual that I can think of that would possibly,  
5 because supervisors do review our work, and they do occasionally  
6 go through and also look at the monitoring. That is the only  
7 other individual that I would believe have access to it.

8 THE COURT: Okay. But you're not communicating that  
9 to the parties in the case?

10 THE PROBATION OFFICER: No, Your Honor. The only  
11 information that would get reported out would be if there is a  
12 violation, perhaps, that was flagged in the monitoring software;  
13 for instance, if -- and again, I'm just putting hypotheticals  
14 out there -- if he was attempting to access a cryptocurrency  
15 website, or if he was attempting to transfer cryptocurrency.

16 Those are hypotheticals, but those are some of the  
17 examples that I can bring to mind that would perhaps warrant us  
18 to disclose something like that, because it would go against the  
19 release order imposed by the Court.

20 THE COURT: And in terms of the -- again, the types of  
21 things being monitored now, that would be -- it could be an  
22 email, it could be a text message, it could be downloading a  
23 video, it could be using some type of an app; it's pretty much  
24 any type of electronic internet-based communication? Is that  
25 correct?

1 THE PROBATION OFFICER: That's -- that's correct.  
2 Even keystrokes, Your Honor.

3 THE COURT: Even --

4 THE PROBATION OFFICER: Even, like, keystrokes.

5 So if -- let's hypothetically say the Defendant were  
6 to type in "cryptocurrency," that is something that could be  
7 flagged, and then it will say "keystrokes," and then you can go  
8 look at -- okay, you see he was typing "cryptocurrency;" what  
9 was he going and looking at, was he researching cryptocurrency,  
10 was he trying to access an app, things of that nature.

11 THE COURT: And one of the proposals that's been  
12 presented today might be narrowing the types of, I guess,  
13 communications or electronic services that you're monitoring, to  
14 limit them to particular acts related to cryptocurrency or  
15 things of that nature; is that even something that's possible  
16 with this system?

17 THE PROBATION OFFICER: Your Honor, I wouldn't be able  
18 to -- I don't know at this juncture; I don't know if that is a  
19 possible -- I would hate to tell the Court that it isn't when it  
20 is, but at this juncture, I don't know.

21 THE COURT: And so you've never had an experience  
22 doing something like that?

23 THE PROBATION OFFICER: I have not, no, Your Honor.  
24 Typically, it's just a designated profile for -- per case.

25 THE COURT: And do you want to address anything else

1 more broadly in terms of the condition imposed in this case and  
2 your role as the Pretrial Services agent?

3 THE PROBATION OFFICER: So I will say that I've had  
4 the opportunity to at least review a month's worth of monitoring  
5 in this case, to which I'll say there's been no indication that  
6 there's been any sort of violation to the conditions that were  
7 imposed by Judge Sullivan. I think the Court kind of nailed it  
8 from the get-go, that it is a condition that's put in place to  
9 accompany and assure the compliance of additional conditions.

10 Aside from just meeting with the Defendant monthly and  
11 reminding him of his conditions of release, the monitoring  
12 condition allows us to corroborate that compliance for the Court  
13 and the parties, so in that respect, I do feel as though it is  
14 appropriate, given the other conditions that are outlined by  
15 Judge Sullivan and the Court.

16 THE COURT: Thank you very much. Anything else you  
17 want to share with the Court?

18 THE PROBATION OFFICER: No, Your Honor.

19 THE COURT: And I guess the only other thing, an  
20 observation -- I'm going to give counsel a chance to be heard  
21 again. I know we're not getting into it, but there are -- there  
22 have been concerns raised in this case about whether or not  
23 Mr. Goldstein engaged in certain online activity. As it seems  
24 to me, this is a way to protect Mr. Goldstein as well as anyone  
25 else to those types of allegations, because there's a way to,

1 obviously, get the facts, quickly. Just a thought.

2 I'm going to give Mr. Kravis a chance -- if you want  
3 to say anything further to the Court, you're welcome to do so.  
4 AUSA Kibbe, I'll give you the same chance, and then I'll rule.

5 MR. KIBBE: I do. Thank you, Your Honor. I'd just  
6 like to make a few, quick points about the sort of operation of  
7 the monitoring condition that we've been talking about here for  
8 the last few minutes.

9 The first is, as I understand the explanation provided  
10 by Pretrial Services, the condition is actually broader than  
11 I think the parties had perhaps understood when submitting the  
12 briefs to the Court.

13 We've been talking today about cryptocurrency and have  
14 used the term "cryptocurrency" or a related term like "Bitcoin,"  
15 because it's those allegations that ended up bringing us here  
16 today, but as I understand the operation of the monitoring  
17 condition as explained by Pretrial, there's actually a broader  
18 set of financial terms that are not specific necessarily to  
19 cryptocurrency that would trigger the monitoring condition.  
20 That makes it even broader than what we had previously, I think,  
21 understood when we had filed the appeal, and I think that  
22 relates to the issue that we were discussing earlier about how  
23 restrictive the release condition is.

24 The second thing that I think I heard from Pretrial  
25 here is that Pretrial Services is reviewing the content of

1 communications and documents to decide whether there is  
2 something in there that needs to be reported to the government.

3 Now, I appreciate the --

4 THE COURT: To the Court, to the Court.

5 MR. KRAVIS: To the -- yes, to the Court.

6 THE COURT: The Court --

7 MR. KRAVIS: Yes, Your Honor.

8 THE COURT: -- not the government, as the party in the  
9 case.

10 MR. KRAVIS: Well -- okay, I -- okay.

11 THE COURT: That's what I heard Pretrial --

12 Pretrial Services is part of the Court, and so anything they  
13 would be reporting back will be reported to the Court. There  
14 might be an opportunity, if something is raised, for the parties  
15 to address it, but there's no reporting to the government, the  
16 United States of America, to your opponent in the case, from  
17 what they're doing.

18 MR. KRAVIS: I was just pausing there because I wasn't  
19 sure if Pretrial would send a notice of violation to the  
20 U.S. Attorney's Office, for example, before the defense, but it  
21 sounds like the answer to that is no, so --

22 THE COURT: And I'll let Pretrial address that in a  
23 moment, but I think also, more broadly, the monitoring doesn't  
24 necessarily trigger a notice. So I think the more routine  
25 monitoring is just -- okay, I'll let them -- I'll let them

1 speak, as I don't know.

2 MR. KRAVIS: Right, right, right, I understand that  
3 point; the point I was making was just that -- that as I heard  
4 the explanation from Pretrial, this monitoring condition  
5 necessarily involves Pretrial monitoring, the content of  
6 Mr. Goldstein's communications, to determine whether there is  
7 something that needs to be reported to the Court and that these  
8 could include communications -- privileged communications not  
9 only with -- with us, with Mr. Goldstein's counsel, but also  
10 with clients and potential clients.

11 And that brings me to the third point I wanted to make  
12 here, which is -- I don't think this has really been discussed  
13 yet before the Court today, but one other aspect of the  
14 monitoring condition is, Mr. Goldstein is warned approximately  
15 50 times a day that he has to advise third parties that his  
16 electronic communications are being monitored, and that has  
17 inhibited Mr. Goldstein's ability to try to continue to earn a  
18 living while he's on release.

19 Without getting into sort of the content of privileged  
20 communications, I can represent to the Court that there has been  
21 at least one occasion when Mr. Goldstein has lost the  
22 opportunity to work for a potential client because he was  
23 required to advise the client that his communications would be  
24 monitored by -- by Pretrial Services.

25 Again, I'm not saying that this means that the

1 monitoring condition is, like, necessarily unconstitutional or  
2 per se unwarranted, but I do think that this is relevant to the  
3 restrictiveness of the condition, which is the requirement under  
4 the -- under the Bail -- under the Bail Reform Act.

5 The last point I wanted to make here -- I'm obviously  
6 happy to answer any further questions the Court has on the  
7 monitoring condition -- is -- it goes to the exchange that the  
8 Court just had with Pretrial about the ability to adopt the --  
9 sort of what the Court described a moment ago as the fallback  
10 position that the defense had articulated, which is to limit the  
11 monitoring to, for example, the use of cryptocurrency apps or  
12 cryptocurrency websites.

13 The point I just wanted to make here is, regardless of  
14 the capabilities of the software, I believe that the Court would  
15 have the authority to direct Pretrial to limit its review of any  
16 flagged material to the use of apps or to the use of websites,  
17 irrespective of how the software itself can be -- can be  
18 tailored.

19 I say that because I do think that this -- if the  
20 Court is inclined to impose any further condition, that less  
21 restrictive condition is the appropriate one -- is the  
22 appropriate one here, in light of the fact that, you know,  
23 everything my colleague on the other side talked about in his  
24 last colloquy with the Court, all of that is stuff that the  
25 government knew at the time the indictment was returned and at



1 the time of the initial appearance. There was not a word spoken  
2 at that time about a -- about a monitoring condition.

3 In light of all of that, if the Court is inclined to  
4 impose a further restriction here, we do believe that it should  
5 be the more limited one. That would be a less restrictive  
6 condition, and I don't think the government has explained why  
7 only the more restrictive version is reasonably necessary to  
8 assure Mr. Goldstein's appearance, which is the standard under  
9 the Act.

10 THE COURT: Thank you very much, Mr. Kravis.

11 MR. KRAVIS: Thank you, Your Honor.

12 THE COURT: That's very helpful.

13 AUSA Kibbe, anything else you would want to say?

14 MR. KIBBE: Thank you, Your Honor.

15 Three things, Your Honor.

16 First is to counsel's first point on the financial  
17 profile and that it's broader than -- it may be broader than  
18 cryptocurrency, and to the extent that's the case -- and I  
19 believe that it may be, because as I've understood it, it's a  
20 financial crimes profile that's set up -- it is absolutely  
21 appropriate in this case, because that's the entire context of  
22 the case.

23 The entire context of the case is not just focused  
24 solely on cryptocurrency; it's on hiding millions of dollars  
25 from the government and the IRS -- not limited to

1 cryptocurrency, that's just one form of it -- and the conditions  
2 are not just to not engage in cryptocurrency transactions, they  
3 also include no opening of financial accounts without  
4 Pretrial Services.

5           So to the extent it is broader than just  
6 cryptocurrency, that's absolutely appropriate, given all of the  
7 conditions of the release and all of the conditions to the --  
8 and all of the context of the case which the Court should  
9 consider under the Bail Reform Act factors.

10           Second, Counsel mentioned Mr. Goldstein's work as an  
11 attorney as an additional point about potentially privileged  
12 communications. The government understands that Mr. Goldstein  
13 previously told Pretrial Services that he was no longer doing  
14 legal consulting work. The government also understands that  
15 Mr. Goldstein's Maryland bar status is inactive. So if there's  
16 more that Counsel wants to proffer about that, you know, perhaps  
17 they may, but those are the facts that the government is aware  
18 of right now.

19           The third point is, what about limiting it just to  
20 cryptocurrency apps or websites? And the reason why that is not  
21 the most appropriate least restrictive condition is because that  
22 is plainly not the only way that cryptocurrency transfers can  
23 happen, as shown by the undisputed evidence in this case, that  
24 in fact, hundreds of thousands of dollars, at a minimum, have  
25 been transferred just based on directions and messages that they

1 be transferred, and so limiting it just to apps does not ensure  
2 compliance with the conditions of release.

3 Thank you, Your Honor.

4 THE COURT: Thank you very much, AUSA Kibbe.

5 Anything else Pretrial wants to say about the  
6 monitoring condition?

7 THE PROBATION OFFICER: The only thing that I would  
8 add, Your Honor, is relative to defense counsel's concern that  
9 we would share information.

10 If there would be any sort of violation that would  
11 occur because of the monitoring, we would complete a notice of  
12 apparent violation, we would outline what the alleged violation  
13 was, and we would submit it to the Court and the parties;  
14 however, the evidence that we would have relative to that  
15 violation wouldn't be shared with the parties absent further  
16 record -- or further approval of the Court. So that would be  
17 routine by our office; it would just be the allegations of what  
18 we allegedly uncovered with the investigation.

19 THE COURT: Thank you very much; that's helpful.

20 Well, Counsel, thank you very much for the helpful  
21 discussion this afternoon, also for the high quality of your  
22 written submissions on this issue.

23 As is my practice, I'm going to rule on the motion  
24 appealing the monitoring condition. I will follow this up with  
25 a written opinion, so I'm going to move pretty quickly just so

1 you know where the Court comes out and generally the reasons for  
2 that. And then, I'd like us to turn to any other issues in the  
3 schedule about how we're going to proceed.

4 Again, pending before the Court are really two motions  
5 that are related for purposes of my ruling right now. One is  
6 the defendant's motion appealing the order to set a condition  
7 that his communications be monitored in connection with this  
8 matter, and also related to that, there was an emergency motion  
9 seeking the disclosure of certain grand jury testimony related  
10 to that appeal.

11 As the Court's already indicated, I'm not going to  
12 consider issues related to the grand jury testimony in the  
13 context of this motion, and so I'm going to deny the 6(e) motion  
14 for that reason. We may talk about those issues later on in a  
15 different context.

16 On the issue of the monitoring condition, as the  
17 parties are aware, under 18 U.S.C., Section 3145, if someone is  
18 ordered released by a Magistrate Judge, the person can file a  
19 motion to amend the conditions of release, and the Court must  
20 consider that motion promptly.

21 My duty is to review the matter de novo, and so while  
22 I have reviewed the extensive record in this case, I look at  
23 these issues fresh in connection with today's hearing, and  
24 again, I'm focusing on whether or not any conditions of release  
25 will reasonably assure the appearance of the defendant and,

1 of course, mitigate any concerns about danger to the community.

2           There are four key factors that the Court considers  
3 under the Bail Reform Act, under this circumstance, including  
4 the nature and circumstances of the offenses charged in the  
5 matter, the weight of the evidence against the defendant, the  
6 defendant's history and characteristics, and the nature and  
7 seriousness of any danger that may be posed by that person to an  
8 individual or to the community, and as we've discussed today,  
9 I'm also looking for the least restrictive condition or  
10 conditions to ensure that those two concerns are adequately  
11 addressed.

12           In this case, Mr. Goldstein is challenging a condition  
13 called the computer and internet monitoring condition. That  
14 will allow the installation of a monitoring software and  
15 hardware on his internet-capable devices, which he will be  
16 paying for. This allows random, unannounced examinations of his  
17 computer systems and other internet-capable devices, and again,  
18 the focus here is on potential financial crimes, to include  
19 matters involving cryptocurrency.

20           As I indicated at the beginning of today's hearing,  
21 for the purposes of resolving this motion, the Court is not  
22 going to consider concerns about Mr. Goldstein's alleged  
23 involvement in transactions during the course of his pretrial  
24 release connected with the 935B and 54E3 wallets. I'm also not  
25 going to consider concerns that have been raised about alleged

1 witness tampering.

2           Turning to the nature and circumstances of the  
3 offense, I've said before, these are serious offenses, here. We  
4 have a 22-count indictment, charging very serious crimes: Tax  
5 evasion, aiding and assisting in the preparation of false and  
6 fraudulent tax returns, willful failure to pay taxes, and false  
7 statements on a loan application. Mr. Goldstein is, of course,  
8 presumed innocent of all those charges. These are serious  
9 offenses, they involve serious alleged financial crimes, and it  
10 must inform the Court's consideration of the conditions of his  
11 pretrial release.

12           Also noteworthy is that these offenses typically  
13 involve conduct involving attempting to conceal or to hide  
14 information, financial information, and so the concerns about  
15 misleading or concealing information from the government, which  
16 is an element in all these offenses, is also something that the  
17 Court takes into account in connection with this case. And in  
18 particular, these charges involve Mr. Goldstein's use in  
19 transactions involving cryptocurrency.

20           And so that is also critical to the Court's  
21 assessment, and I will note that in order to engage in those  
22 types of transactions, you've got to be able to connect to the  
23 internet, which I think is particularly relevant here.

24           Turning to the weight of the evidence, I think the  
25 parties agree, there's a lot of evidence that the government has

1 said it's going to rely upon to support the charges in the case.  
2 Again, Mr. Goldstein is presumed innocent, but that evidence  
3 includes contemporaneous communications by Mr. Goldstein,  
4 information about particular loans that the government alleges  
5 were not disclosed to mortgage lenders, other bank and wire  
6 records, gambling-related information associated with  
7 Mr. Goldstein, tax and accounting records, and other information  
8 reflecting Mr. Goldstein's financial and spending habits over  
9 the relevant period of time.

10 Again, a lot of this evidence is connected to  
11 cryptocurrency wallets hosted on Coinbase and binance.com,  
12 again, bringing us back to the general concerns that the Court  
13 has tried to address through the conditions at issue here. As  
14 the Court has also indicated and I believe was undisputed,  
15 Mr. Goldstein has a long history of international travel. He  
16 has significant contacts with individuals who are overseas,  
17 including individuals with means and wealth, that might allow  
18 the resources to allow him to flee.

19 Again, he's engaged in cryptocurrency transactions  
20 involving many of these individuals and related to his online  
21 poker activities, which, I believe he also has acknowledged,  
22 involved, over a period of time, millions of dollars in  
23 connection with those activities.

24 And lastly, as to danger to the community, there is a  
25 concern here about potential economic danger related to

1 Mr. Goldstein's activities and the allegations in this case that  
2 he has concealed resources in connection with his taxes and may  
3 owe the United States and other individuals monies in connection  
4 with that.

5 Lastly, on the issue of least restrictive means, as I  
6 mentioned at the beginning of the hearing, we're not talking  
7 about detention, here; we're solely talking about a monitoring  
8 condition. And the concerns raised are important, but also, I  
9 think the Court needs to look at that in the context of our  
10 hearing today. The monitoring condition, again, as the Court  
11 reads it, is an essential tool to ensure compliance with other  
12 conditions that have been imposed by the Court and are not  
13 challenged today, to ensure that Mr. Goldstein is not engaging  
14 in online poker activities or engaging in cryptocurrency  
15 transactions as he awaits trial in this matter.

16 I understand and appreciate the concerns raised by  
17 defense counsel, particularly related to communications between  
18 counsel and client and Mr. Goldstein's potential work-related  
19 activities, and while I understand those concerns, I think the  
20 monitoring conditions are the least restrictive means for  
21 accomplishing the goals that the Court has, which is to ensure  
22 Mr. Goldstein's reasonable appearance and to mitigate any danger  
23 to the community. And I don't think that the concerns raised by  
24 the defense really outweigh those in a way where I think the  
25 Court should either eliminate this condition or modify it in a



1 way that would perhaps address the points raised by defense  
2 counsel.

3 So I'm going to deny the motion and sustain the  
4 condition as imposed by the Magistrate Judge in this matter for  
5 these reasons.

6 Again, we will have many opportunities to come  
7 together as this case moves forward, and I'm certainly happy to  
8 talk with counsel about these issues as we go forward in terms  
9 of how they are impacting Mr. Goldstein and also what we're  
10 hearing. And I'm pleased to hear, so far, we don't have any  
11 concerns.

12 And so for those reasons, again, the Court will deny  
13 the motion, the appeal. I will sustain the condition.

14 Relatedly, I'm going to also deny the motion for  
15 emergency relief and grand jury testimony within the context of  
16 the motion to challenge the conditions of Mr. Goldstein's  
17 pretrial release.

18 This will be followed up by a written ruling and order  
19 of the Court, which the parties will have shortly, which will  
20 then fully set forth the Court's analysis.

21 At this time, are there any initial questions about  
22 the Court's ruling from the perspective of the defense?

23 MR. KRAVIS: No. Thank you, Your Honor.

24 THE COURT: Any initial concerns from the government?

25 MR. KIBBE: No, Your Honor. Thank you.

1 THE COURT: Any questions from Pretrial?

2 THE PROBATION OFFICER: No, Your Honor.

3 THE COURT: All right. So we will continue as  
4 planned.

5 We have a number of other issues in this case,  
6 Counsel. I think the pressing one is to get a schedule, at  
7 least for our next steps. I want to throw out a couple of  
8 things.

9 Typically, we would have had an initial scheduling  
10 conference in this case. We had some issues with regards to  
11 Mr. Goldstein's representation at the beginning of the case, and  
12 we kind of started at a different place here. Usually, at that  
13 conference, the Court would toss out potential trial dates and  
14 see if we're ready set the case for trial, and then we would  
15 work on a schedule for the steps to get us there.

16 I guess, my first question -- are we ready to set a  
17 trial date in this case and work backwards from there is my  
18 first question. If the answer to that is yes, I have some dates  
19 to throw out; if the answer is no, then, at a minimum, I think  
20 we need to set some dates for pretrial motions and a pretrial  
21 motion hearing.

22 What's the thought of the government about setting a  
23 trial date?

24 MR. KIBBE: Yes, Your Honor, we're prepared to do  
25 that. I think that would be helpful, to set out the full

1 schedule, an orderly schedule in this case.

2 THE COURT: Okay. Let's hear from Mr. Kravis.

3 MR. KRAVIS: I believe the answer is yes, Your Honor.

4 I do want to offer just a couple of thoughts --

5 THE COURT: Can you speak right into the microphone on  
6 the podium, just so we can hear you?

7 MR. KRAVIS: I'm sorry. Yeah. I believe the answer  
8 from our side is yes, Your Honor. I do -- I did want to offer a  
9 few qualifications there.

10 THE COURT: Mm-hmm.

11 MR. KRAVIS: The first is that the government has just  
12 begun a Brady production to the defense, and depending on how  
13 that production goes and what is and is not in it, we may have a  
14 discovery motion to file there.

15 In addition, as we noted in the joint pretrial status  
16 report, we do have one motion that we would like to file very  
17 soon, at the Court's earliest convenience.

18 With those two caveats in mind, I believe we agree  
19 that it would be appropriate to set a trial date.

20 THE COURT: Okay. Well, I'm prepared to toss out some  
21 dates, and as you can imagine, the Court's calendar is full, so  
22 I'm sure we'll have enough time to address those motions before  
23 we're able to set the case for trial.

24 Right now -- and again, we can go back and look at the  
25 calendar if this doesn't work, but I definitely could set the

1 trial in this case in October for jury selection and trial. If  
2 that's too far out, then we'll have to go back to our calendar  
3 and look at earlier dates.

4 I can tell you generally, my calendar through the  
5 summer is already booked, so we're probably looking at the fall,  
6 but I do have availability right now to set jury selection for  
7 October 14, 2025 and then go ahead and set the trial to begin on  
8 October 15, 2025, which would gives us time to deal with  
9 pretrial motions.

10 Thoughts?

11 MR. KRAVIS: I apologize, Your Honor; I have another  
12 trial scheduled in the Eastern District of Virginia for the  
13 first week in October, and so I'm not going to be available to  
14 try the case in October.

15 THE COURT: All right. Let's hear from the  
16 government.

17 MR. KIBBE: October -- excuse me, Your Honor. October  
18 would work for the government. We'd just ask that -- inquire  
19 how many weeks the Court has open at that time, just to ensure  
20 that we --

21 THE COURT: I would be wide open. That's why I went  
22 with October, because I would be able to set as much time as we  
23 need.

24 If we're not going to be able to do that week, I'm  
25 going to have to go back, and we're going to have to find some

1 additional dates to offer to counsel. We thought this would be  
2 far enough out that we wouldn't have an issue.

3 Generally speaking, my calendar in the fall is open  
4 right now, so we can probably find a date either later in  
5 October or November, but I don't want to promise and get myself  
6 into trouble.

7 But why don't we talk about what we need to do to get  
8 ready; we might be able to set some dates for that, assuming  
9 we're going to do trial in November of 2025, just so we can have  
10 a plan to move forward.

11 Any thoughts about that?

12 MR. KIBBE: Thank you, Your Honor; that works for the  
13 government.

14 THE COURT: All right.

15 MR. KRAVIS: Yes, Your Honor, we're prepared to  
16 continue to set a schedule now as we work --

17 THE COURT: Okay.

18 MR. KRAVIS: -- towards identifying a trial date.

19 THE COURT: So I'm going to do two things. I'm going  
20 to ask my law clerk to go get my JA to give me some dates in  
21 November, and hopefully, I can get them to you before --  
22 shortly, but let's assume we're going to proceed to trial in  
23 November.

24 I think we have a good idea of what that looks like,  
25 and we can come up with some dates to get us ready. And then,

1 we can fill in with the trial date. And again, my fall calendar  
2 is pretty open, so I'm open, and we can set the trial for the  
3 amount of time that we need.

4 Mr. Kravis?

5 MR. KRAVIS: Your Honor, I was just going to say, with  
6 respect to scheduling in November, I do have a matter that I  
7 need to consult with one of my colleagues at the firm on in  
8 terms of the scheduling there.

9 I'm happy to set a tentative trial date now, and I can  
10 advise the Court by the end of the week whether the date will  
11 work or not; I just wanted to offer that.

12 THE COURT: All right. Well, let's just see how far  
13 we can get.

14 So we're going to assume right now we're going to go  
15 to trial in November, and we'll piggyback a date shortly. We're  
16 now at the end of March, so we have, I think, a good period of  
17 time to get ready.

18 I think the next step here, Counsel, is probably to  
19 get our pretrial motions in. I'd like to do that in an orderly  
20 fashion so we're not just filing motions and having multiple  
21 hearings as much as possible. So I'd like to hear from each  
22 side what you're envisioning in terms of motions, and then we  
23 can figure out a schedule.

24 Let me see if the Government has anything first, and  
25 then, we'll go to the defense. I know you have several.

1 MR. KIBBE: No, Your Honor, we're not planning,  
2 currently, any pretrial motions; maybe motions in limine, but  
3 that would be a separate issue.

4 THE COURT: Okay.

5 MR. KIBBE: We have, as Counsel noted --

6 THE COURT: Can you -- do you mind coming to the  
7 podium? I know you're tall, but we can't hear you if you're not  
8 directly on the mic.

9 MR. KIBBE: Of course, Your Honor, thank you.

10 As Counsel noted -- excuse me -- we have been starting  
11 to make Brady productions. Any potentially Brady material, the  
12 government has corresponded with defense counsel on this point.  
13 It certainly is something that we fully intend to keep doing and  
14 make early disclosures of any potentially Brady material.

15 There's a significant amount of material in this case,  
16 and we had previously represented to Counsel we'd be trying to  
17 do that by the beginning of April. We have now spent the last  
18 two weeks doing that, then also focused on the briefing that the  
19 Court ordered, and -- as a consequence of the emergency motion,  
20 which we were not previously aware of.

21 And so we would ask for a few more weeks to complete  
22 that, to the extent that impacts the schedule on pretrial  
23 motions, and hopefully, that wouldn't if trial is in November.

24 THE COURT: Okay. So you probably need a few more  
25 weeks for those exchanges, for Counsel to review that, because

1 that may inform the defense in terms of its motions.

2 Similarly, Mr. Kravis, are we thinking late April or  
3 early May when you'd be prepared to file your motions? What are  
4 your thoughts?

5 MR. KRAVIS: Well, Your Honor, these are our thoughts.

6 We had one motion that we would like to file at the  
7 Court's earliest convenience -- we could be prepared to file it  
8 this week -- that we view as antecedent to our full set of  
9 pretrial motions to dismiss. That is a motion requesting an  
10 evidentiary hearing on specifically the 3292 applications, the  
11 applications that the government filed during the investigation  
12 to toll the statute of limitations.

13 We view that as an antecedent motion here because  
14 I believe that the Court's ruling on that motion and any  
15 evidentiary hearing on that motion would inform the pretrial  
16 motions that the defense would file, including, possibly,  
17 depending on the ruling, a motion to dismiss certain of the  
18 charges on statute of limitations grounds.

19 I think that if we're looking -- we're talking about a  
20 trial date in November, there would be plenty of time for us to  
21 file that motion, allow the Court to consider it, and then, once  
22 the Court has ruled on that motion, if the Court grants it, once  
23 we've had an evidentiary hearing, for us to file a full set of  
24 pretrial motions promptly after that.

25 THE COURT: Well, let me hear from the government. I



1 hear your point, and I understand the recommendation to kind of  
2 bifurcate the process.

3 Let me hear from the government.

4 And I'll just say, I'm not objecting to it, but I  
5 mean, my goal is to try to get this case on track so we can  
6 really use our time efficiently, and that's the only concern I  
7 have.

8 Mr. Kibbe?

9 MR. KIBBE: Thank you, Your Honor.

10 The government's view is that one comprehensive  
11 pretrial motions deadline would be appropriate. We haven't seen  
12 defense's motion, but as it's been described, it sounds sort of  
13 like a Franks motion, where they'd be challenging -- requesting  
14 a hearing on a 3292 application instead of a search warrant in  
15 the Franks context.

16 The government's experience in this Court is, those  
17 are typically done in pretrial -- as part of the comprehensive  
18 set of pretrial motions, so it wouldn't be antecedent, you know,  
19 to anything else. And to the extent there is a motion on a  
20 3292 application, and an evidentiary hearing, and a finding, and  
21 that finding then somehow knocks out, you know, a count,  
22 for example -- I think possibly the counts at issue are the 2016  
23 tax year -- that can all be done as part of that motion.

24 I mean, typically, when we have pretrial motions, if  
25 there's a motion to suppress, for example, and the evidence is

1 suppressed, we don't need then a separate whole set of motions  
2 to see if there's going to be a dismissal.

3 THE COURT: Okay.

4 MR. KIBBE: So the question is, kind of, what's the  
5 one set of comprehensive motions.

6 THE COURT: All right. And of course, I haven't seen  
7 the defense's motion.

8 My inclination would be to set a date for the motions,  
9 and if it turns out that we need to do something in terms of  
10 addressing something quickly, I can do that, we have time. But  
11 I'm also concerned if we do it the bifurcated way and that's not  
12 the case, we kind of delay things a little bit. Let's just get  
13 the motions in, and we'll see where we are, and if the Court --  
14 the Court's happy to have the hearing, if we need to have a  
15 hearing, and if we need to adjust the schedule once we have the  
16 papers, we've got time to do that.

17 But I'd like to set a schedule for the motions, brief  
18 them up, we'll set a hearing date, and then, I will see -- once  
19 I see the papers, we can talk further about proceeding forward.

20 Mr. Kravis, I think you wanted to say something.

21 MR. KRAVIS: Yes. That's acceptable to the defense.  
22 We may -- we expect that we may file the 3292 motion early, like  
23 in advance of the deadline, if that's all right with the Court.

24 THE COURT: You can do it on or before.

25 MR. KRAVIS: Thank you, Your Honor.

1 THE COURT: Okay. So let's talk about a date for  
2 getting the defense's pretrial motions in, because that's going  
3 kick off our schedule, and then we'll -- we'll just schedule  
4 from there.

5 Go ahead.

6 And let's give them a little white noise, if you want  
7 to -- are you ready? Okay.

8 MR. KRAVIS: Yes, Your Honor.

9 We would propose May 16th as the deadline for filing  
10 pretrial motions. The Court's -- as we just discussed a moment  
11 ago, I expect the defense may file one or more of the motions  
12 early.

13 I also want to just sort of add the caveat that I  
14 mentioned at the beginning, which is that based on the timing of  
15 the government's production of Brady material, we will -- if --  
16 I guess, what I'm saying is, if the production extends further  
17 out such that we need more time to file an additional motion  
18 based on --

19 THE COURT: You can let us know --

20 MR. KRAVIS: Right.

21 THE COURT: -- and we will -- that's good cause. That  
22 will be fine.

23 Hopefully, the date, I think, is good; it should allow  
24 for the productions based on what I've heard so far.

25 MR. KRAVIS: Right.

1 THE COURT: Any objection to May 16 for the defense's  
2 motion, Mr. Kibbe?

3 MR. KIBBE: No, Your Honor.

4 THE COURT: And in light of that, when would you be  
5 able to respond?

6 MR. KIBBE: Could the government then have until --  
7 let me look at the calendar -- June 18th?

8 THE COURT: June 18th. So that's a little over  
9 30 days.

10 Mr. Kravis, what about your reply briefs?

11 MR. KRAVIS: We would request two weeks for the reply.

12 THE COURT: So that would -- can you give me a date?  
13 I apologize; I don't have a calendar in front of me. It looks  
14 like it's the 29th, but ...

15 MR. KRAVIS: I think it's -- two weeks would bring us  
16 to July 2nd.

17 THE COURT: I'm sorry?

18 MR. KRAVIS: I'm sorry. Two weeks, I think, would  
19 bring us to July 2nd.

20 THE COURT: July the 2nd, thank you.

21 All right. Let me just review these dates with  
22 counsel to make sure we're all comfortable.

23 The plaintiff's pretrial motions, May 16; government's  
24 response and opposition thereto, June 18; reply briefs,  
25 July 2nd, 2025.

1 Is that acceptable to the government?

2 MR. KIBBE: Yes, Your Honor.

3 THE COURT: Is that acceptable to the defense?

4 MR. KRAVIS: Yes. Thank you, Your Honor.

5 THE COURT: All right. And I will set a hearing date  
6 a little closer to the time in consultation with the parties,  
7 probably sometime in July. If that's going to involve the  
8 evidentiary hearing, you know, we'll talk and sort that out, but  
9 we'll make sure there's sufficient time to address that.

10 The next step would be the Court ruling on those  
11 motions. Typically, I do it at the hearing, so we'll assume  
12 we'll have those motions wrapped up sometime in July, and then,  
13 we would turn to motions in limine practice. I would like to  
14 entertain some dates for that a little closer to trial. Let me  
15 show you what I've got in terms of potential trial dates, and  
16 maybe that can inform us.

17 In November, we can set the trial for jury selection  
18 on November 3rd, 2025, and so that would get us a couple weeks  
19 ahead of Thanksgiving. I would have that month to try the case  
20 in November.

21 The other option puts us in December, December 1 for  
22 jury selection with trial starting the 2nd, again, giving us a  
23 few weeks before Christmas.

24 Either of those dates would work for the Court. Let  
25 me know where the parties are.

1 (Conference among counsel.)

2 THE COURT: And I apologize, counsel. I just now  
3 understand, the November dates are not going to work for the  
4 Court, unfortunately. I know Mr. Kravis may have an issue too,  
5 so now I'm going to offer again.

6 I've got, really, January 12th, 2026, trying a case  
7 beginning on January 13th. December 1st might still work; there  
8 could be a problem. So January 12th, 2026, January 13th for  
9 jury trial beginning. That's not an issue for the December  
10 dates.

11 Do you all need some more time to confer?

12 MR. KRAVIS: Your Honor, we could -- we can make  
13 either the December or January trial date work on our end.

14 THE COURT: AUSA Kibbe, let me know when you're ready.

15 MR. KIBBE: The January date would work for the  
16 government, Your Honor.

17 THE COURT: That's -- so let's do January 12th, 2026,  
18 that works for the Court as well. And I am certain that we have  
19 as much time as we need that far out, but I think that will give  
20 us plenty of time to get ready.

21 So we're going to do jury selection on January 12th,  
22 2026. That will be here in Greenbelt. We'll start the trial as  
23 soon as we pick the jury on or about the 13th of January 2026.  
24 I'm going to already put in the calendar our final pretrial  
25 conference, which will be in the 2026 calendar, so I can give

1 you that date. Friday, January 9th, 2026, at 2:00 p.m.

2 And then, working backwards from there would be our  
3 schedule for motions in limine practice, and so that gives us a  
4 little bit more time. I want to suggest a date for motions  
5 in limine. I'm thinking probably sometime later in 2025, closer  
6 to trial.

7 Mr. Kravis.

8 MR. KRAVIS: Your Honor, we were prepared to suggest  
9 early December, like December 1st, for motions in limine.

10 Looking at the calendar, we thought that would give  
11 the Court and the parties enough time to litigate the motions  
12 in limine before the Christmas holiday so that folks could have  
13 a chance in early January to prepare for the trial based on the  
14 procedural motions.

15 THE COURT: Okay. Well, we'll have to have them in  
16 probably a little bit earlier than the beginning of December so  
17 the Court could resolve the motion. So I think -- and I'll hear  
18 from AUSA Kibbe.

19 If we're going to have the final pretrial hearing on  
20 the 9th, the Court would arguably, if we have time, have a  
21 hearing on motions in limine. That would usually be, you know,  
22 early December at the latest so the parties are aware of how to  
23 deal with the evidence before trial, and that would require the  
24 papers coming in, you know, October, November. Otherwise, it  
25 just gets you-all so close to trial, and that may not be

1 constructive, to get rulings from the Court, you know, on the  
2 eve of trial that will impact how you want to present your  
3 evidence.

4 AUSA Kibbe.

5 MR. KIBBE: Thank you, Your Honor. And maybe an  
6 approach, then, is if we set a motions in limine hearing in  
7 December, we work backwards from that, and just however long --

8 THE COURT: Yeah, I think we want to have that  
9 hearing -- and I think I have a trial during that time, but we  
10 want to have that hearing early December or end of November.

11 (Discussion off the record.)

12 THE COURT: Okay. So right now, the Court could do  
13 this hearing on either Friday the 5th or Friday the 12th. I  
14 don't sit for trial on those dates. That would be an option for  
15 the hearing, and that would require the papers be coming in, you  
16 know, no later than the middle of November, keeping in mind the  
17 holiday so we have time to resolve it.

18 MR. KRAVIS: That's fine for the defense.

19 THE COURT: All right.

20 MR. KIBBE: Yes, Your Honor, that works.

21 THE COURT: So I'm going to set the hearing for  
22 December 12th, which is a Friday, and we'll do that in  
23 Greenbelt, and working backwards from there, I really would like  
24 to have the papers in to the Court -- and I'm also factoring in  
25 Thanksgiving -- you know, preferably, prior to Thanksgiving, and



1 then you all are done as well, and that gives the Court time to  
2 go through the paperwork.

3 So if we could come up with a schedule to get  
4 everything in by the -- you know, the week before Thanksgiving,  
5 I think that will work well for everybody and also give the  
6 parties a nice break.

7 And I'll just start throwing out dates, and you can  
8 modify. I think we're probably looking at something with the  
9 hearing in December. The opening papers probably need to come  
10 in sometime in October?

11 MR. KRAVIS: Yes, Your Honor. I was just looking at  
12 the calendar. I think if the Court set the motions for -- the  
13 motions deadline for October 24th, and oppositions by  
14 November 14th, and replies by November 21st, that would complete  
15 the briefing by -- before Thanksgiving and give the Court time  
16 before the hearing.

17 THE COURT: Let me see what the government thinks.

18 MR. KIBBE: That works for the government.

19 I might suggest, Your Honor, since we have all this  
20 time between July and October, just to build in a little bit  
21 more time in that briefing schedule, so -- but that schedule's  
22 fine, but we can, you know, just have the brief due a little bit  
23 earlier and then build in a little bit more time between each  
24 step to make sure everything's addressed.

25 THE COURT: Well, it's on or before, so you're more

1 than welcome to file early, if you want to.

2 Are you okay with October 24?

3 MR. KIBBE: Yes, Your Honor.

4 THE COURT: All right. So we're going to set the  
5 motions in limine. October 24 for the motions, responses in  
6 opposition thereto November 14, reply briefs November 21.

7 We'll hold the hearing on those motions on  
8 December 12th, 2025. I'll just set it right now for 10:30 a.m.,  
9 but we'll circle back to the parties closer to time, and then we  
10 will have completed all of our work, other than the work to  
11 actually prepare the pretrial filings, which would be your jury  
12 instructions, voir dire questions, and verdict form, and that  
13 typically comes in right before trial.

14 We're having our pretrial -- final pretrial status on  
15 the 9th, so I usually like to get those in about a week before  
16 so the Court can review them and send its comments. And then we  
17 can try to finalize at least the voir dire questions at the  
18 final pretrial conference on, again, January 9th.

19 So I will propose a week ahead. I know with the  
20 holiday, that gets us, like, when we're coming out, but either  
21 we could do it -- have it come in on the 5th of January, or we  
22 can do it before the holiday.

23 Any preference there?

24 MR. KIBBE: Your Honor, the government would propose  
25 December 22nd.

1 THE COURT: December 22nd?

2 Defense have any objection?

3 MR. KRAVIS: No objection, Your Honor.

4 THE COURT: That works for the Court, gives us more  
5 time, so we'll do that on December 22nd, 2025.

6 Again, those are the proposed voir dire questions,  
7 picking a jury, the verdict form and jury instructions. And the  
8 Court invites counsel to, you know, meet and confer on those  
9 things, we'll work through any differences, but the more you all  
10 can meet and confer, the more productive I think it will be for  
11 us at that final pretrial conference on the 9th.

12 So I think we have a schedule, counsel. I'm just  
13 going to walk through it one more time, and then we'll enter it  
14 in the case.

15 For pretrial motions, all from the Plaintiff, May 16;  
16 opening motions, responses in opposition thereto, June 18; reply  
17 briefs, July 2nd. The Court will then set a hearing sometime in  
18 July, to be determined. We'll have motions in limine practice  
19 in the fall, October 24 for motions in limine; responses in  
20 opposition thereto, November 14; reply briefs, November 21st.

21 Then we'll have a hearing date set for December 12th,  
22 2025, at 10:30 a.m. here in Greenbelt on the motions in limine.  
23 We'll then proceed to get ready for trial, with jury  
24 instructions, voir dire questions, and verdict form due to the  
25 Court by December 22nd prior to the Christmas holiday.

1 We'll come back after the holiday and have our final  
2 pretrial status conference on January 9th, 2026 at 2:00 p.m.,  
3 also here in Greenbelt. And we'll pick the jury on  
4 January 12th, 2026 at 9:30 a.m., and once we complete picking  
5 the jury, we'll proceed to trial. And the Court's calendar is  
6 open.

7 We'll talk more about the length of trial, but right  
8 now, I'm going to go ahead and block the following three weeks,  
9 just to give us time, and hopefully, we can resolve the matter  
10 at that point.

11 Any objections to the proposed schedule at this point  
12 from either side?

13 MR. KIBBE: No, Your Honor.

14 MR. KRAVIS: No objection, Your Honor.

15 I did want to note for the Court that the defense does  
16 plan to file a renewed motion on the Hawthorne property --

17 THE COURT: Right.

18 MR. KRAVIS: -- and we will file that on or before the  
19 May 16th deadline --

20 THE COURT: That's perfect.

21 MR. KRAVIS: -- for pretrial motions.

22 THE COURT: That's perfect.

23 MR. KRAVIS: Thank you, Your Honor.

24 THE COURT: Thank you.

25 All right. So the Court will prepare to enter this

1 order once we adjourn for the day. You'll also see an order  
2 disposing of the two motions we addressed today. A memorandum  
3 opinion will be issued probably tomorrow, given the hour. That  
4 will also be on the docket.

5 Is there anything else that we need to address this  
6 afternoon from the perspective of the United States?

7 MR. KIBBE: Your Honor, one matter was -- is the  
8 speedy trial clock. Having Your Honor ruled on the motions  
9 today, we'll be submitting another speedy trial motion. We'll  
10 confer with counsel on that, but it will be made in view of the  
11 dates that we just set with the Court.

12 THE COURT: Okay. Thank you very much.

13 Anything on that, Mr. Kravis?

14 MR. KRAVIS: We'll be happy to look at the  
15 government's submission on speedy trial when we receive it.

16 THE COURT: Okay.

17 MR. KRAVIS: The only other thing we had, Your Honor,  
18 is, we would ask that the denial of the motion to compel  
19 production of the grand jury transcript be without prejudice.  
20 We may have grounds to renew that motion at some later point.

21 THE COURT: Unrelated to the motion we talked about  
22 today?

23 MR. KRAVIS: Yes, Your Honor.

24 THE COURT: Okay. I think that's probably  
25 appropriate, and I'm not ruling on the motion.

1 AUSA Kibbe?

2 MR. KIBBE: I'm not sure I understand counsel's  
3 request. I mean, I think if they're making a different motion  
4 for a different reason, then perhaps that's different than  
5 what's been put before the Court.

6 THE COURT: Well, I mean, it's denied for purposes of  
7 the monitoring condition. As I indicated earlier, if the  
8 defense wants to raise this issue again, you're welcome to do  
9 so, and I don't take a position on it.

10 So I think that's the way I'll craft the order. I  
11 don't think that precludes the defense from raising any of the  
12 issues that I said I'm not going to reach today or the  
13 government raising those issues as we go forward.

14 MR. KRAVIS: That was our request. Thank you,  
15 Your Honor.

16 THE COURT: Okay. I think that that's fine. I'm fine  
17 with that.

18 Anything else from either party?

19 MR. KRAVIS: No. Thank you, Your Honor.

20 MR. KIBBE: No, Your Honor. Thank you.

21 THE COURT: Anything from Pretrial before we break?

22 THE PROBATION OFFICER: No, Your Honor.

23 THE COURT: Anything from my Courtroom Deputy?

24 THE COURTROOM DEPUTY: No, ma'am.

25 THE COURT: All right. Well, Counsel, thank you so

1 much for your time today and the helpful discussion. As I  
2 indicated, you'll see the orders we've discussed on the docket  
3 shortly, and I look forward to seeing the parties and counsel at  
4 a later date.

5 We can stand adjourned.

6 THE COURTROOM DEPUTY: All rise.

7 This Honorable Court now stands adjourned. Thank you.

8 (The proceedings were adjourned at 4:02 p.m.)

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CERTIFICATE OF OFFICIAL REPORTER

I, Patricia Klepp, Registered Merit Reporter, in and for the United States District Court for the District of Maryland, do hereby certify, pursuant to 28 U.S.C. § 753, that the foregoing is a true and correct transcript of the stenographically-reported proceedings held in the above-entitled matter and the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 22nd day of September, 2025.

/s/  
PATRICIA KLEPP, RMR  
Official Court Reporter



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KRAVIS: [55]</b> 4/9 10/12 11/9 11/12 12/9 12/13 13/12 14/24 15/3 18/1 18/16 20/2 21/14 21/17 21/19 22/16 24/15 38/5 38/7 38/10 38/18 39/2 41/11 49/23 51/3 51/7 51/11 52/11 53/15 53/18 54/5 56/5 58/21 58/25 59/8 59/20 59/25 60/11 60/15 60/18 61/4 62/12 63/8 64/18 65/11 67/3 68/14 68/18 68/21 68/23 69/14 69/17 69/23 70/14 70/19</p> <p><b>PROSPECTIVE JUROR: [1]</b> 34/3 <b>THE COURT: [100]</b> <b>THE COURTROOM DEPUTY: [3]</b> 3/3 70/24 71/6</p> <p><b>THE PROBATION OFFICER: [15]</b> 4/19 32/8 33/11 33/18 33/21 34/10 35/1 35/4 35/17 35/23 36/3 36/18 43/7 50/2 70/22</p> <p><b>\$</b></p> <p><b>\$10 [1]</b> 28/2 <b>\$10 million [1]</b> 28/2</p> <p><b>/</b></p> <p><b>/s [1]</b> 72/11</p> <p><b>0</b></p> <p><b>0683 [1]</b> 2/7</p> <p><b>1</b></p> <p><b>100,000 [1]</b> 29/18 <b>1014 [1]</b> 6/1 <b>10:30 [1]</b> 66/8 <b>10:30 a.m [1]</b> 67/22 <b>10th [1]</b> 6/10 <b>1126 [1]</b> 2/13 <b>1130 [1]</b> 2/12 <b>11th [2]</b> 6/12 7/3 <b>12th [9]</b> 62/6 62/8 62/17 62/21 64/13 64/22 66/8 67/21 68/4 <b>13th [5]</b> 6/15 11/17 62/7 62/8 62/23 <b>14 [3]</b> 52/7 66/6 67/20 <b>14th [1]</b> 65/14 <b>15 [1]</b> 52/8</p>	<p><b>150 [1]</b> 2/4 <b>16 [3]</b> 60/1 60/23 67/15 <b>16th [3]</b> 5/16 59/9 68/19 <b>18 [3]</b> 5/25 60/24 67/16 <b>18 U.S.C [1]</b> 44/17 <b>18th [2]</b> 60/7 60/8 <b>1st [2]</b> 62/7 63/9</p> <p><b>2</b></p> <p><b>2.142 [1]</b> 2/5 <b>200 [1]</b> 1/24 <b>20001 [1]</b> 2/11 <b>20002 [1]</b> 2/4 <b>2016 [1]</b> 57/22 <b>202 [4]</b> 2/6 2/7 2/12 2/13 <b>2020 [1]</b> 28/2 <b>2021 [1]</b> 28/3 <b>2025 [19]</b> 1/8 5/16 6/2 6/11 6/12 6/15 7/3 7/8 7/13 52/7 52/8 53/9 60/25 61/18 63/5 66/8 67/5 67/22 72/9 <b>2026 [9]</b> 62/6 62/8 62/17 62/22 62/23 62/25 63/1 68/2 68/4 <b>20770 [2]</b> 1/16 1/25 <b>21 [1]</b> 66/6 <b>212-4237 [1]</b> 1/17 <b>213 [2]</b> 2/16 2/17 <b>21st [3]</b> 7/8 65/14 67/20 <b>22-count [2]</b> 5/17 46/4 <b>220-1126 [1]</b> 2/13 <b>220-1130 [1]</b> 2/12 <b>227-0683 [1]</b> 2/7 <b>22nd [5]</b> 66/25 67/1 67/5 67/25 72/9 <b>24 [3]</b> 66/2 66/5 67/19 <b>24th [2]</b> 7/13 65/13 <b>25 [1]</b> 1/8 <b>26 [3]</b> 5/19 5/22 5/23 <b>27th [2]</b> 6/2 7/1 <b>28 [1]</b> 72/4 <b>2839 [1]</b> 2/6 <b>29th [1]</b> 60/14 <b>2:00 p.m [2]</b> 63/1 68/2 <b>2:33 [1]</b> 1/9 <b>2nd [6]</b> 60/16 60/19 60/20 60/25 61/22 67/17</p> <p><b>3</b></p> <p><b>30 days [1]</b> 60/9 <b>3145 [1]</b> 44/17 <b>3292 [2]</b> 57/14 58/22 <b>3292 application [1]</b> 57/20 <b>3292 applications [1]</b> 56/10 <b>350 [1]</b> 2/15 <b>3rd [1]</b> 61/18</p>	<p><b>4</b></p> <p><b>410 [1]</b> 1/17 <b>4237 [1]</b> 1/17 <b>4:02 [1]</b> 71/8</p> <p><b>5</b></p> <p><b>50 times [1]</b> 39/15 <b>500 [1]</b> 2/10 <b>50th [1]</b> 2/15 <b>514-2839 [1]</b> 2/6 <b>54E3 [3]</b> 13/2 16/9 45/24 <b>5th [2]</b> 64/13 66/21</p> <p><b>6</b></p> <p><b>601 [1]</b> 2/10 <b>6406 [1]</b> 1/16 <b>6500 [1]</b> 1/24 <b>683-9543 [2]</b> 2/16 2/17 <b>6th [1]</b> 7/3</p> <p><b>7</b></p> <p><b>7201 [1]</b> 5/20 <b>7203 [1]</b> 5/24 <b>7206 [1]</b> 5/22 <b>753 [1]</b> 72/4</p> <p><b>8</b></p> <p><b>800 [1]</b> 1/16 <b>8:25-cr-00006-LKG-1 [1]</b> 1/4</p> <p><b>9</b></p> <p><b>90071 [1]</b> 2/16 <b>935B [2]</b> 13/2 45/24 <b>935B wallet [1]</b> 16/9 <b>9543 [2]</b> 2/16 2/17 <b>9:30 a.m [1]</b> 68/4 <b>9th [7]</b> 6/7 63/1 63/20 66/15 66/18 67/11 68/2</p> <p><b>A</b></p> <p><b>a.m [3]</b> 66/8 67/22 68/4 <b>ability [3]</b> 28/25 39/17 40/8 <b>able [7]</b> 35/17 46/22 51/23 52/22 52/24 53/8 60/5 <b>about [72]</b> 5/5 8/12 8/18 8/20 9/2 9/4 9/20 10/3 10/20 11/1 13/6 13/9 13/18 14/6 14/16 17/1 17/10 17/13 18/2 19/19 20/7 21/25 23/13 23/15 23/22 23/23 24/13 24/20 25/20 26/10 26/22 26/23 27/7 28/18 29/25 32/23 36/22 37/6 37/7 37/13 37/22 40/8 40/23 41/2 41/2 42/11 42/16 42/19 43/5 44/3 44/14 45/1 45/22 45/25 46/14 47/4 47/25 48/7 48/7</p>	<p>49/8 49/21 50/22 53/7 53/11 56/19 58/19 59/1 60/10 62/23 66/15 68/7 69/21 <b>above [1]</b> 72/6 <b>above-entitled [1]</b> 72/6 <b>absent [1]</b> 43/15 <b>absolutely [3]</b> 30/1 41/20 42/6 <b>ACCARDI [2]</b> 2/20 3/24 <b>accept [1]</b> 8/23 <b>acceptable [3]</b> 58/21 61/1 61/3 <b>access [3]</b> 34/7 34/14 35/10 <b>accessing [1]</b> 33/22 <b>accompanied [1]</b> 19/6 <b>accompany [1]</b> 36/9 <b>accomplishing [1]</b> 48/21 <b>account [2]</b> 17/21 46/17 <b>accounting [1]</b> 47/7 <b>accounts [7]</b> 15/11 15/11 15/18 18/24 20/24 27/11 42/3 <b>acknowledged [2]</b> 14/10 47/21 <b>act [14]</b> 9/16 12/4 23/11 23/23 24/7 25/1 25/2 27/13 29/8 30/11 40/4 41/9 42/9 45/3 <b>Action [1]</b> 3/19 <b>activities [7]</b> 13/25 32/18 47/21 47/23 48/1 48/14 48/19 <b>activity [2]</b> 18/25 36/23 <b>acts [1]</b> 35/14 <b>actual [2]</b> 23/18 24/20 <b>actually [6]</b> 24/12 25/11 26/10 37/10 37/17 66/11 <b>ADAM [2]</b> 2/21 4/21 <b>add [3]</b> 16/20 43/8 59/13 <b>addition [2]</b> 16/4 51/15 <b>additional [7]</b> 15/11 17/2 19/13 36/9 42/11 53/1 59/17 <b>address [21]</b> 5/6 7/16 10/1 10/21 11/3 11/13 15/7 15/7 17/7 20/4 25/1 32/6 32/6 35/25 38/15 38/22 47/13 49/1 51/22 61/9 69/5 <b>addressed [3]</b> 45/11 65/24 69/2 <b>addressing [2]</b> 16/1 58/10 <b>ADEEL [2]</b> 2/17 4/12 <b>adeel.mohammadi [1]</b> 2/18 <b>adequately [4]</b> 15/7</p>	<p>15/7 17/7 45/10 <b>adjourn [1]</b> 69/1 <b>adjourned [3]</b> 71/5 71/7 71/8 <b>adjust [1]</b> 58/15 <b>adopt [1]</b> 40/8 <b>advance [1]</b> 58/23 <b>advise [3]</b> 39/15 39/23 54/10 <b>advised [1]</b> 21/9 <b>after [6]</b> 8/2 11/16 12/3 24/12 56/24 68/1 <b>afternoon [9]</b> 3/7 3/20 4/8 4/9 4/15 4/20 4/22 43/21 69/6 <b>again [28]</b> 7/18 15/23 17/5 17/19 17/21 18/7 30/15 34/13 34/20 36/21 39/25 44/4 44/24 45/17 47/2 47/10 47/12 47/19 48/10 49/6 49/12 51/24 54/1 61/22 62/5 66/18 67/6 70/8 <b>against [3]</b> 9/21 34/18 45/5 <b>age [1]</b> 23/1 <b>agenda [2]</b> 5/1 20/5 <b>agent [4]</b> 3/24 4/6 34/1 36/2 <b>Agent Andrew [1]</b> 3/24 <b>ago [5]</b> 10/16 16/1 20/23 40/9 59/11 <b>agree [2]</b> 46/25 51/18 <b>ahead [6]</b> 28/20 52/7 59/5 61/19 66/19 68/8 <b>aiding [2]</b> 5/20 46/5 <b>akin [1]</b> 11/20 <b>all [54]</b> 3/3 6/4 9/5 12/3 13/14 15/6 15/18 15/24 15/25 16/2 16/3 16/13 16/25 17/6 20/16 21/18 21/23 23/24 24/4 24/13 25/15 25/16 29/5 31/12 33/20 40/24 41/3 42/6 42/7 42/8 46/8 46/16 50/3 52/15 53/14 54/12 57/23 58/6 58/23 60/21 60/22 61/5 62/11 63/25 64/19 65/1 65/19 66/4 66/10 67/9 67/15 68/25 70/25 71/6 <b>All right [3]</b> 50/3 52/15 64/19 <b>allegation [7]</b> 10/17 16/11 16/18 16/19 20/20 20/21 20/25 <b>allegations [18]</b> 8/7 8/11 8/12 14/16 17/13 17/14 21/2 21/2 21/25 23/19 27/21 28/12 28/14 29/4 36/25 37/15 43/17 48/1</p>
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